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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,613	09/22/2003	Stephan C. Hobson	502265	1171

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LEYDIG VOIT & MAYER, LTD
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EXAMINER

BOCHNA, DAVID

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/667,613

Applicant(s)

HOBSON ET AL.

Examiner

David E. Bochna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter of claims 7 and 18 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 8-9 and 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Lyon.

In regard to claim 1, Lyon discloses a hydraulic port weld stud, comprising:

a weld stud mounting body 10 extending along a first axis, the mounting body including a weld boss portion (bottom of 10 in fig. 1) and a fitting mount portion 14;

a cylindrical surface concentric about the first axis defined over an outer periphery the fitting mount portion;

a cylindrical cavity 12 concentric about the first axis in the fitting mount portion;

a port fitting 20 integral with the fitting mount portion of the weld stud body, extending along a second axis transverse to the first axis; and

a hydraulic port passage 26 extending through the port fitting in fluid communication with the cylindrical cavity 12.

In regard to claim 2, The hydraulic port weld stud of claim 1, wherein the weld stud mounting body defines a bore 14 coaxial about the second axis, further comprising a melted braze ring 24 in the bore integrally securing the port fitting as a separately formed component to the mounting body.

In regard to claim 3, wherein the melted braze ring 24 provides a visual indication ring means for indicating a seal surrounding an outer periphery of the port fitting (see col. 3, lines 17-20).

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In regard to claim 4, wherein the mounting body 10 is formed from a cylindrical stock material, wherein said cylindrical surface is an unfinished cylindrical surface of the cylindrical stock material.

In regard to claim 5, Lyon discloses a hydraulic port weld stud, comprising:

a mounting body 10 extending along a first axis, the mounting body including a cylindrical weld boss portion (bottom of 10) and a cylindrical fitting mount portion (part of 10 where 14 is formed), the cylindrical weld boss portion and the cylindrical fitting mount portion being unitarily formed as a single a cylindrical surface concentric about the first axis, the cylindrical surface defined over an outer periphery of the fitting mount portion;

a cylindrical cavity 12 concentric about the first axis formed in the fitting mount portion, the cylindrical cavity comprising a threaded portion 12 and a non-threaded pilot portion, the non-threaded pilot portion extending partially through the cylindrical weld boss portion and being of a smaller diameter than the threaded portion;

a bore 26 formed into the cylindrical fitting mount portion along an second axis transverse to the first axis;

a cylindrical threaded port fitting 20 formed separately from the mounting body, the threaded port fitting being inserted into the bore and projecting axially therefrom along the second axis, the threaded port fitting defining a central passageway connected to the cylindrical cavity; and

a melted braze ring 24 in the bore integrally securing the threaded port fitting to the mounting body.

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In regard to claim 6, wherein the mounting body 10 is formed from a cylindrical stock material, wherein said cylindrical surface is an unfinished cylindrical surface of the cylindrical stock material.

In regard to claim 8, wherein the melted braze ring 24 provides a visual indication ring means for indicating a seal surrounding an outer periphery of the threaded port fitting (see col. 3, lines 17-20).

In regard to claim 9, wherein said threaded portion 12 comprises female threads defined in said cylindrical cavity.

In regard to claim 11, wherein the second axis is perpendicular to the first axis.

In regard to claim 12, Lyon discloses a hydraulic port weld stud, comprising:

a mounting body 10 extending along a first axis, the mounting body including a weld boss portion (bottom of 10) and a fitting mount portion (portion of 10 with 14), the weld boss portion and the fitting mount portion being unitarily formed as a single structural component;

a cylindrical cavity 12 concentric about the first axis formed through the fitting mount portion;

a bore 14 in the fitting mount portion extending along a second axis, the second axis being transverse to the first axis;

a threaded port 20 fitting formed separately from the mounting body, the threaded port fitting being inserted into the bore and projecting axially therefrom along the second axis, the threaded port fitting defining a central passageway connected to the cylindrical cavity; and

a melted braze ring 24 in the bore integrally securing the threaded port fitting to the fitting body.

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In regard to claim 13, wherein the melted braze ring provides a visual indication ring means for indicating a seal surrounding an outer periphery of the threaded port fitting (see col. 3, lines 17-20).

In regard to claim 14, further comprising a cylindrical surface concentric about the first axis defined over an outer periphery of the fitting mount portion (outer surface of 10).

In regard to claim 15, further comprising a flux load inset 22 secured to the mounting body 10.

In regard to claim 16, wherein the cylindrical cavity 12 extends through an end of the threaded port fitting (top of 10).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lyon.

Lyon discloses a hydraulic port weld stud as described above but does not disclose that the outer cylindrical periphery has a smaller diameter than the cylindrical surface. However, it would have been obvious to a person having ordinary skill in the art to make the cylindrical periphery smaller than the cylindrical surface because a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

6. Claims 17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyon in view of Klambauer.

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Lyon discloses a hydraulic port weld stud as described above, but Lyon does not disclose that the port weld stud is placed on a cylinder housing a piston. Klambauer teaches that using cylinders with port weld studs attached to the cylinder is common and well known in the art. Therefore it would have been obvious to a person having ordinary skill in the art to attach the hydraulic port welds of Lyon to a cylinder housing a piston because the practice of attaching port weld studs to a cylinder is common and well known in the art, as demonstrated by Klambauer.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lyon in view of Klambauer as applied to claim 17 above, and further in view of Sabathie. Lyon does not disclose a plug closing of the cylindrical cavity of the fitting mount portion. However it would have been obvious to add a cap to seal of the cavity because the practice of using caps 17 to seal off cylindrical cavities in weld studs is common and well known in the art, as demonstrated by Sabathie.

Allowable Subject Matter

8. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

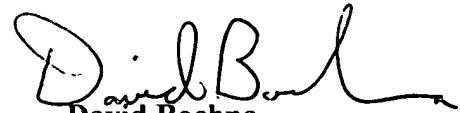
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Usui et al., Asada et al., Miller, Wilcock, Nowosadko, Crawley, Webb, McDonald, Weatherhead, Jr., Baldwin, Jr., Attwood and Burke all disclose similar couplings common in the art.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

A handwritten signature in black ink, appearing to read 'David Bochna', with a stylized flourish at the end.

David Bochna
Primary Examiner
Art Unit 3679
March 18, 2005